

REMARKS

Claim 1 has been amended to include the recitations in claims 2, 4, 6 and 9, which have been canceled. Support for the additional recitations in claim 1 specifying the oxidation potential of the dye of formula (I) and specifying the substituents X_1 to X_4 of formula (I) can be found, for example, on pages 59 and 83 of the specification.

Claim 8 has been amended to correct the definition of formula (II). Support for this amendment can be found, for example, on pages 71 and 73 of the specification.

Claims 7, 11 and 12 have been canceled.

Claims 15-18 have been added. Support for claim 15 can be found, for example, in original claim 5 and on pages 33-36 of the specification. Support for claim 16 can be found, for example, on page 73 of the specification. Support for claim 17 can be found, for example, in original claims 3 and 7. Support for claim 18 can be found, for example, on pages 22, 53 and 68 of the specification.

Upon entry of the Amendment, claims 1, 3, 5, 8, 10 and 13-18 will be pending.

Claims 1-14 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1-3 and 5-20 of co-pending Application No. 10/504,084 (US 2006/0077240) ("the '084 application").

Applicants respectfully traverse the rejection.

Present independent claim 1 recites an ink set comprising plural inks for inkjet, each one of the plural inks having a maximum absorption wavelength of one of from 500 to 580 nm and from 580 to 680 nm in an aqueous medium and a different absorbance, wherein based on an

absorbance of a dye (or a combination of dyes) in an ink, which has a maximum dye concentration out of the plural inks, an absorbance of a dye (or a combination of dyes) in all another ink excepting the ink having a maximum dye concentration is from $1/20$ to $1/2$.

In contrast, independent claim 1 of the '084 application is directed to an inkjet recording ink, which may comprise multiple aqueous mediums, comprising an aqueous medium having dissolved or dispersed therein at least two coloring materials sharing one spectral absorption region selected from a region of 500 to 580 nm and a region of 580 to 680 nm as a main absorption region in the aqueous medium. None of the claims in the '084 application disclose or suggest that the absorbance of a dye (or a combination of dyes) in all another ink excepting the ink having a maximum dye concentration is from $1/20$ to $1/2$, as recited in the present claims. Accordingly, Applicants submit that the present claims are not obvious over the claims in the '084 application.

In view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

Claims 1-2 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 09-170181 to Kojima et al ("JP '181").

JP '181 discloses an aqueous recording ink for forming a color image comprising at least three colors of yellow, magenta and cyan, wherein the color concentration values are 20-85 in yellow, 35-115 in magenta, and 40-115 in cyan, respectively, and the maximum absorption wavelengths are 350-450 nm in yellow, 500-600 nm in magenta and 600-680 nm in cyan (Abstract). However, JP '181 does not disclose or suggest an ink set comprising plural inks,

wherein each one of the plural inks has a maximum absorption wavelength of one of from 500 to 580 nm and from 580 to 680 nm in an aqueous medium and a different absorbance, e.g., a magenta ink-light magenta ink set or a cyan ink-light cyan ink set, as described in the examples of the present specification.

Moreover, JP '181 does not disclose or suggest that based on an absorbance of a dye (or a combination of dyes) in an ink, which has a maximum dye concentration out of the plural inks, an absorbance of a dye (or a combination of dyes) in all another ink excepting the ink having a maximum dye concentration is from 1/20 to 1/2.

The Examiner asserts that JP '181 discloses the ink having a maximum dye concentration of from 1/20 to 1/2 (Paragraph Nos. [0030]-[0036]). However, the maximum dye concentration value in one ink is different from the presently recited absorbance ratio of a dye (or a combination of dyes) in different inks of from 1/20 to 1/2.

In view of the foregoing, Applicants submit that claims 1-2 are not anticipated or rendered obvious by JP '181. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-2, 6 and 10-14 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 2001-106950 to Hiraoka et al ("JP '950").

JP '950 discloses an ink set comprising a magenta ink, a cyan ink and a yellow ink (Abstract).

In Example 7 of JP '950, C.I. Direct Red 75 is used as the magenta dye. As shown in the attached sheet, Sheet B, the C.I. Direct Red 75 dye disclosed in JP '950 is clearly different from

the dyes of Applicants' claims as amended. Additionally, in the present invention by using the specific dyes and adjusting the absorbance of plural inks containing the specific dyes, both gradation reproducibility and weather resistance (fastness to light, heat and ozone), as well as superior pictorial quality and image fastness, are achieved.

In view of the foregoing, Applicants submit that JP '950 does not anticipate the claimed invention. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamanouchi et al (US 2002/0107301) ("Yamanouchi").

Applicants submit that this rejection should be withdrawn because Yamanouchi is not prior art with respect to the present claims.

The publication of Yamanouchi (i.e., US 2002/0107301) was published August 8, 2002. This date is later in time than Applicants' priority date of March 28, 2002.

To remove Yamanouchi as prior art under § 102(a), Applicants submit herewith verified English translations of their priority documents. Section 112 support for present claims 1-20 in the priority documents is as shown in the following chart:

Present Claims	Support in Priority Document JP 2002-091759	Support in Priority Document JP 2002-092321
1	Claim 1	Claim 1, page 5, lines 29-31, the paragraph bridging pages 6-7
3	Claim 1	Claim 1
5	Claim 1	
7		Claim 1
8		Claim 2
9		Page 5, lines 22-31
10		Claim 3
13		The paragraph bridging pages

		52-53, Page 53, lines 10-15, Page 55, lines 13-15, Page 56, lines 14-17
14		Page 55, lines 13-30
15	Claim 1 and the paragraph bridging pages 5-6	
16		Claim 2 and Page 13, lines 19- 24
17	Claim 1	Claim 1
18	Claim 1	Page 11, lines 12-13

In view of the above, the prior publication of Yamanouchi is not § 102(a) prior art with respect to the present claims.

Yamanouchi thus would be prior art with respect to the present application solely under § 102(e), as of its U.S. filing date of July 17, 2001.

To remove Yamanouchi as prior art under § 102(e) for purposes of § 103, Applicants provide a statement of common ownership, as follows:

Statement of Common Ownership:

The present application and Yamanouchi, U.S. Publication No. 2002/0107301 were, at the time the invention of the present application was made, commonly owned by Fuji Photo Film Co., Ltd.

In view of this statement of common ownership, Yamanouchi is disqualified as prior art for purposes of section 103 with respect to the present application. See 35 U.S.C. § 103(c).

Accordingly, the Examiner is respectfully requested to withdraw the section 103 rejection of claims 1-20 based on Yamanouchi.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Amendment under 37 C.F.R. § 1.111

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

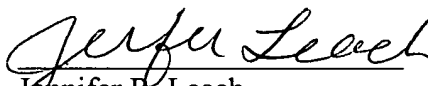
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